

IN THE HIGH COURT OF TANZANIA
(LAND DIVISION)
AT DODOMA

MISC. LAND CASE APPLICATION NO. 1 OF 2008

PAUL NG'HALONGWA... .. APPLICANT
VERUSS

TRYPHOSA O. NG'HAMBI. RESPONDENT

R U L I N G

BEFORE: HON. NCHIMBI, J;

The applicant filed two applications. He filed the first one for stay of execution, purportedly, under xxi R. 24 (1) (2) (Sic) of Civil Procedure Act 1966 (sic) and any other enabling laws. The second one is made under *Section 14 (1)* of the Law of Limitation Act NO. 10/1971. It is for leave to file appeal out of time.

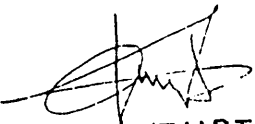
In support of the first application the applicant, in the main, states in his affidavit that there are overwhelming chances of success of the intended appeal. He does not, however, expound on this.

Regarding the second application the applicant told the court that he was late to process the intended appeal on account of the fact that, at the instance of the Respondent, he was once arrested and detained by the Police.

I am quick to say that both applications are incompetent before the court. They have been made under wrong and /or non existent provisions of the law. First, there is no law known as XX R. 24(1) (2) of the Civil Procedure Code, 1966. Second, both the *Civil Procedure Code* and the *Law of Limitation Act* have been revised. The chapter and the *Revised Edition 2002* are part of the Laws. Failure to cite them means this court is not properly moved.

Besides, the arguments of the applicant why he is seeking for stay of execution of the Decree of the District Land and Housing Tribunal and extension of time to lodge the intended appeal are not tenable for they are not meritorious. The combination of the two renders the two applications liable for dismissal.

Accordingly, the applications are, respectively, dismissed
with costs.


A. A. NCHIABI
J U D G E

Date: 19th March, 2009

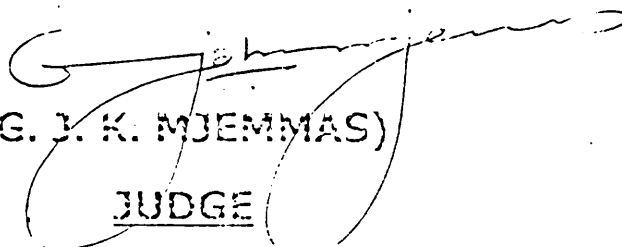
Coram: G. J. K. Mjemmas, J.

Applicant – Present

Respondent – Present

C/C: A. Mwaka

Order: Ruling delivered this 19 day of March, 2009 in the presence of the Applicant and the Respondent.



(G. J. K. MJEMMAS)

JUDGE

19/3/2009